

Customer No. 26308



PATENT

3731

Docket No. 1759.2570-CIP 4 CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Reiley et al.  
Serial No.: 09/884,365  
Filed: 19 June 2001  
For: A Sterile Kit for Holding a Single Use, Expandable Structure Intended for Deployment in Bone

Group Art Unit: 3731  
Examiner: J. Woo

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL  
(37 C.F.R. § 1.114)

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

NOTE: (Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995.)

1. SUBMISSION REQUIRED UNDER 37 CFR §1.114:

A. ☐ Previously submitted

☐ Consider the amendment(s)/reply under 37 CFR §1.116 previously filed on

(Any unentered amendment(s) referred to above will be entered.)

☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on

☐ Other

B. ☒ Enclosed

☒ Amendment/Reply

☐ Affidavit(s)/Declaration(s)

☒ Information Disclosure Statement (IDS)

☐ Other

2. MISCELLANEOUS

A. ☐ Suspension of action on the above-identified application is requested under 37 CFR §1.103(c) for a period of \_\_\_\_\_ months

B. ☐ Other

CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

I hereby certify that, on the date shown below, this correspondence is being deposited with the United States Postal Service in an envelope addressed as follows: Mail Stop RCE, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Date 22 October 2004

Judith Dunaway

(type or print name of person mailing paper)

(Signature of person mailing paper)

10/26/2004 HALI11 00000062 09884365

01 FC:1801  
02 FC:1253  
03 FC:1202

790.00 OP  
980.00 OP  
324.00 OP

3. **EXTENSION OF TIME**

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply

(complete (a) or (b) as applicable)

- (a) ☐ Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

	Extension (months)	Fee for other than Small Entity	Fee for Small Entity
<input type="checkbox"/>	one month	\$ 110.00	\$ 55.00
<input type="checkbox"/>	two months	\$ 430.00	\$ 215.00
<input checked="" type="checkbox"/>	three months	\$ 980.00	\$ 490.00
<input type="checkbox"/>	four months	\$1530.00	\$ 765.00
<input type="checkbox"/>	five months	\$2080.00	\$1040.00

Fee: \$ 980.00

If an additional extension of time is required please consider this a petition therefor.

(check and complete the next item, if applicable)

- ☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request: \$ \_\_\_\_\_

OR

- (b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

**FEE FOR CLAIMS**

4. The fee for claims (37 CFR 1.16(b)-(d)) has been calculated as shown below:

	Claims Remaining After Amendment	Highest No. Previously Paid For	Present Extra	Rate	Additional Fee (Small Entity)	Additional Fee (Large Entity)
Total Claims 37 CFR 1.16(c)*	42	-24 =	18	x \$ 9.00	\$162	\$324
Independent Claims (37 CFR 1.16(b)**	3	-3 =	0	x \$ 44.00	\$0	\$0
First Presentation of Multiple Dependent claim(s) if any (37 CFR 1.16(d))				\$150.00	\$0	\$0
<b>Total Additional Fee</b>					<b>\$162</b>	<b>\$324</b>

- \* If the "Highest No. Previously Paid for" IN THIS SPACE is less than 20, enter "20".  
\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest No. Previously Paid For" (Total or indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

**WARNING:** "After final rejection or action (S 1.113) amendments may be made cancelling claims or complying with any requirement of form which has been made." 37 CFR S 1.116(a) (emphasis added).

(complete (c) or (d) as applicable)

(c) ☐ No additional fee for claims is required.

**OR**

(d) ☒ Total additional fee for claims required \$ 324.00.

## 5. FEES

*The RCE fee under 37 CFR §1.17(e) is required by 37 CFR §1.114 when the RCE is filed.*

- A. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 06-2360  
☒ RCE fee required under 37 CFR §1.17(e)  
☒ Extension of Time Fee (37 CFR §§1.136 and 1.17)  
☒ IDS Fee (\$180.00)  
☒ Additional Claim Fees  
☐ Other
- B. ☒ RCE Fee  
☒ \$790.00 (large entity)  
☐ \$395.00 (small entity)
- C. ☒ Extension Fee: 980.00
- D. ☒ IDS Fee (\$180.00)
- E. ☒ Additional Claim Fee 324.00

**TOTAL FEES ENCLOSED:** 2274.00

  
\_\_\_\_\_  
SIGNATURE OF ATTORNEY

Reg. No. 29,243

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Customer No. 26308

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Patent

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Reiley et al

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Group Art Unit: 3731

Title:

A Sterile Kit for Holding a Single Use, Expandable Structure Intended for  
Deployment in Bone

**AMENDMENT B  
SUBMITTED WITH REQUEST FOR REEXAMINATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**INTRODUCTORY COMMENTS**

This Amendment responds to the Office Action mailed April 23, 2004 which was designated final. A Request for Continued Examination is being filed herewith to advance prosecution.

Please amend the application as follows.

